REMARKS

The Official Action dated January 29, 2007 has been carefully considered. Accordingly, the amendments presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present amendment, claims 1, 13 and 20 are amended to define the surfactant. Support for this amendment is found in the specification at paragraphs [0097] to [0100]. It is believed that these amendments do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

The Examiner asserted that the Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of foreign application EPO 00870134.4 dated June 19, 2000. Therefore, the Examiner requested that a new oath, declaration or application data sheet be submitted. This requirement is traversed, as 37 CFR 1.63(c) states that such information must be identified in an oath or declaration "unless such information is supplied on an application data sheet in accordance with 37 CFR §1.76." Specifically, Applicant asserts that the data sheet submitted on December 3, 2001 to the U.S. Patent and Trademark Office acknowledges the filing of foreign application EPO 00870134.4 on June 19, 2000. A copy of the previously submitted data sheet is submitted herewith. Accordingly, it is believed that this requirement be should be withdrawn. Reconsideration is respectfully requested.

Claims 1-13 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wei et al, U.S. Patent No. 6,245,729. The Examiner asserted that Wei et al disclose a composition comprising a first solid component containing a peracid precursor, a peroxygen source, a binder, such as fatty alcohol ethoxylate, and a chemical heater and a second component containing water and the chemical heater when contacted with water generates

heat to produce a 5°C to 25°C increase in temperature. The Examiner further asserted that Wei et al teach that the composition may be used as a carpet sanitizer generated on the surface of the substrate. Even though Wei et al do not teach all the instantly claimed embodiments in a single example, the Examiner asserted that it would have been obvious to one skilled in the art to select the instantly claimed components and methods from the teachings of Wei et al.

However, as will be set forth in detail below, Applicants submit that the processes defined by claims 1-13 and 20 are nonobvious over and patentably distinguishable from Wei et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Particularly, claim 1 recites a process of treating a fabric comprising the steps of applying, in any order, to said fabric a first composition and a second composition, wherein the first and/or second composition comprises a surfactant. Upon contact of the first and second compositions, heat is generated. Claim 13 is directed to a process for cleaning a carpet comprising contacting a carpet with a first composition and a second composition, wherein the first and/or second composition comprises a surfactant. Upon contact of the first and second compositions with each other, heat is generated to provide a carpet cleaning benefit. Claim 20 is directed a process of treating a fabric comprising the steps of applying, in any order, to said fabric a first composition and a second composition, wherein the first and/or second composition comprises a surfactant. Upon contact of the first and second compositions, heat is generated. The heat generated (ΔT) upon contact of the two compositions is at least 1° C when measured upon the fabric. According to claims 1, 13, and 20, the surfactant is selected from the group consisting of anionic surfactants, nonionic surfactants, zwitterionic surfactants, amphoteric surfactants, cationic surfaotants and mixtures thereof, and the noninoinc surfactant is selected from the group consisting of amine oxide

surfactants, alkyl propylate surfactants, fatty acid C_6-C_{24} alkanolamide surfactants, glucose amide surfactants, alkyl pyrrolidone surfactants and mixtures thereof.

Wei et al is directed to peracid forming systems, peracid forming compositions and methods for making and using such. Wei et al disclose that the peracid forming composition includes a peracid precursor, a peroxygen source and a chemical heater. Wei et al also disclose that the peracid forming composition is provided within a container and when the container is contacted with water, the water combines with the peracid forming composition to create a peracid solution and combines with the chemical heater to release heat. Finally, Wei et al disclose that their composition may include a binder. However, Wei et al fail to teach, suggest or recognize a heat-generating composition which comprises a surfactant as required by the present claims. Accordingly, Applicants submit that Wei et al fail to teach, suggest or recognize the processes as defined by claims 1-13 and 20.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public, *In re Payne, 203 U.S.P.Q. 245 (CCPA 1979)*. As noted above, Applicants find no teaching, suggestion or reference in Wei et al of the processes for treating a fabric (claims 1 and 20) or cleaning a carpet (claim 13) comprising the steps of applying, in any order, to said fabric a first composition and a second composition, wherein said first and/or second composition comprises a surfactant as set forth in the claims, and wherein upon contact of said first and second compositions heat is generated. In addition, Applicants find no teaching, suggestion or reference in Wei et al for modifying the disclosures therein to arrive at the claimed invention. In view of the failure of Wei et al to teach, suggest or recognize the processes for treating a fabric (claims 1 and 20) or cleaning a carpet (claim 13) as recited by the claims, the references do not support a rejection of claims 1-13 and 20 under 35 U.S.C. §103.

It is therefore submitted that the presently claimed processes as defined by claims 1-13 and 20 are nonobvious over and patentably distinguishable from the teachings of Wei et al, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 14-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wei et al, U.S. Patent No. 6,245,729 in view of Romano et al (WO 97/25404). The Examiner asserted that Wei et al is relied upon for the reasons set forth in detail above. The Examiner also asserted that Wei et al do not teach sulfosuccinate surfactants. However, the Examiner relied on Romano et al as disclosing non aqueous compositions comprising anionic, zwitterionic, and nonionic surfactants and mixtures thereof. Accordingly, the Examiner asserted that it would have been obvious to one skilled in the art to modify the teachings of Wei et al by substituting the surfactants taught by Romano for the fatty alcohol ethoxylates taught by Wei et al to arrive at the presently claimed invention.

However, as will be set forth in detail below, Applicants submit that the processes defined by claims 14-19 are nonobvious over and patentably distinguishable from Wei et al in view of Romano et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Particularly, the processes of claims 1 and 13 from which claims 14-19 directly or indirectly depend, are discussed above. As also discussed above, Wei et al is directed to peracid forming systems, peracid forming compositions and methods for making and using the same which employ a peracid precursor, a peroxygen source and a chemical heater. However, Wei et al fail to teach, suggest or recognize a heat-generating composition which comprises a surfactant as defined by the present claims. Wei et al merely disclose the use of a binder for their compositions. Accordingly, as recognized by the Examiner, Wei et al fail to

teach, suggest or recognize the processes as defined by claims 14-19 employing defined, select surfactant components.

The Examiner relied upon Romano et al as disclosing compositions that comprise surfactants as defined in claims 14-19. However, one skilled in the art would not look to the teachings of the Romano et al for combination with Wei et al. Specifically, Romano et al disclose that disinfecting compositions based on peracids oftentimes damage surfaces onto which they are applied and thus, these peracid based compositions are perceived as being not safe to a variety of surfaces. Accordingly, Romano et al disclose that an object of the invention is to provide disinfecting compositions that are not based on peracids and that deliver improved safety to surfaces treated while not compromising the disinfecting performance of the composition. See page 1, line 17-page 2, line 2. Accordingly, Applicants submit that there is no intrinsic basis in the prior art or some extrinsic factor that would prompt one of ordinary skill in the art to combine the surfactant teachings of Romano et al with the peracid forming system of Wei et al as asserted by the Examiner, especially since Romano et al is directed to disinfecting compositions that do not comprise peracids and Wei et al is directed to peracid forming systems.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or incentive supporting the combination, *In re Geiger*, 2 U.S.P.Q. 2d 1276 (Fed. Cir. 1987). The Examiner must give some reason as to why one of ordinary skill in the art would have been prompted to combine the teachings of the cited references to arrive at the claimed invention since it is the burden of the Examiner to establish a *prima facie* case of obviousness. The Examiner cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention; the Examiner has the burden to show some teaching or suggestion in the references to support their use in the particular claimed combination, *Smith-Kline Diagnostics, Inc. v.*

Helena Laboratories Corp., 8 U.S.P.Q. 2d 1468, 1475 (Fed. Cir. 1988). Finally, both a suggestion to combine the references and a reasonable expectation of success must be found in the art itself for a proper prima facie case of obviousness, *In re Dow Chemical Co.*, 5 U.S.P.Q. 2d 1529 (Fed. Cir. 1988). As there is no teaching, suggestion or reference in Wei et al or Romano et al for modifying the disclosures therein along the lines asserted by the Examiner to arrive at the presently claimed processes, these references in combination do not result in or render obvious the presently claimed processes.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public, *In re Payne, 203 U.S.P.Q. 245 (CCPA 1979)*. As noted above, Applicants find no teaching, suggestion or reference in Wei et al in view of Romano et al of the processes as defined by claims 14-19. In addition, Applicants find no teaching, suggestion or reference in Wei et al in view of Romano et al for modifying the disclosures therein to arrive at the claimed invention. In view of the failure of Wei et al in view of Romano et al to teach, suggest or recognize the processes as recited by the claims 14-19, the references do not support a rejection of claims 14-19 under 35 U.S.C. §103.

It is therefore submitted that the presently claimed processes as defined by claims 14-19 are nonobvious over and patentably distinguishable from the teachings of Wei et al in view of Romano et al, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the Official Action and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

Holly Kozlowski, Esq.
Registration No. 30,468
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568

1375632